

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

**Office of Financial and Insurance Regulation,
Petitioner**

v

**Cash n Go, Inc.,
Respondent**

Enforcement Case No. 11-001-DP

For the Petitioner:

**Daniel Feinberg
Office of General Counsel
Office of Financial and Insurance
Regulation
P.O. Box 30220
Lansing, MI 48909-7720**

For the Respondent:

**Naseem Bhatti, President
Cash n Go
22312 Goddard Road
Taylor, MI 48180-4234**

**Issued and entered
this 21st day of February 2011
by Ken Ross
Commissioner**

FINAL DECISION

I. Background

On January 10, 2011, Chief Deputy Commissioner Stephen R. Hilker issued to Respondent an Order for Hearing, Administrative Complaint, and Statement of Factual Allegations in the above-captioned case which set forth detailed allegations that Respondent violated the Deferred Presentment Service Transactions Act, MCL 487.2121, *et seq.* The order required Respondent to take one of the following actions within 21 days: agree to and sign a settlement with the Office of Financial and Insurance Regulation (OFIR), file an answer to the allegations stated in the complaints and a statement that Respondent plans to attend the hearing,

or file a request for an adjournment giving good reasons why a postponement is necessary.

Respondent failed to take any of these actions.

On February 10, 2011, the Petitioner filed a Motion for Final Decision in this case.

Given Respondent's failure to comply with the order for hearing, Petitioner's motion is granted.

II. Findings of Fact and Conclusions of Law

The following facts and conclusions of law, taken from the January 10, 2011

Administrative Complaint, are adopted and made part of this Final Decision:

1. OFIR issued Cash n Go, Inc. (located at 22312 Goddard Road in Taylor, Michigan) a deferred presentment service provider license (#0013630) on June 1, 2006, pursuant to the provisions of the Deferred Presentment Service Transactions Act (the Act), MCL 487.2121 *et seq.*
2. Respondent knew, or reasonably should have known, that Section 34(8) of the Act, MCL 487.2154(8), states in pertinent part:

When a deferred presentment service transaction is closed, the licensee shall designate the transaction as closed and immediately notify the database provider, but in no event after 11:59 p.m. on the day the transaction is closed. The commissioner shall assess an administrative fine of \$100.00 for each day that the licensee fails to notify the database provider that the transaction has been closed.

3. On January 22, 2009, OFIR staff conducted an examination of Respondent's business records. The examination concluded on January 23, 2009. The examination included a review of a limited number of customer files to determine compliance with applicable state and federal laws and regulations, a discussion with representatives of Respondent pertaining to database procedures, and an assessment of the adequacy of Respondent's management. Based upon the examination, OFIR staff determined that violations of the Act occurred.

4. Respondent failed to timely close three transactions by designating the transaction as closed, and failed to notify Veritec, the database provider, that it has closed the transaction.

5. By failing to timely close the transactions and provide the required notifications,

Respondent violated Section 34(8) of the Act, MCL 487.2154(8).

6. Section 47(1)(c) of the Act, MCL 487.2167(1)(c), provides:

(1) The commissioner may, after notice and hearing, suspend or revoke a license if the commissioner finds that the licensee has knowingly or through lack of due care done any of the following:

* * *

(c) Violated this act or any rule or order issued under this act or violated any other law in the course of the licensee's dealings as a licensee.

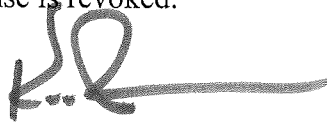
7. Section 48(1) of the Act, MCL 487.2168(1), provides:

If the commissioner finds that a person has violated this act, state or federal law, or an applicable rule or regulation, the commissioner may order the person to pay a civil fine of not less than \$1,000.00 or more than \$10,000.00 for each violation. However, if the commissioner finds that a person has violated this act and that the person knew or reasonably should have known that he or she was in violation of this act, the commissioner may order the person to pay a civil fine of not less than \$5,000.00 or more than \$50,000.00 for each violation. The commissioner may also order the person to pay the costs of the investigation.

III. Order

Based on the conduct described above, it is ordered that:

1. Respondent shall pay a civil fine of \$5,000.00; and
2. Respondent's deferred presentment license is revoked.



Ken Ross
Commissioner